

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

1

**The Minutes**

**June 26, 2006**

At 9:32 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Davis, Associate Justice; Hull, Associate Justice; and Guzman and Ellis, bailiffs.

**C048191 THE PEOPLE v. CASTANEDA**

Cause called. Barbara Michel, court appointed counsel, argued for appellant. Susan Rankin Bunting, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:59 a.m., the court recessed. At 10:03 a.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Hull, Associate Justice.

**C050528 BRIDGEMAN et al. v. McPHERSON, as Secretary of State, etc.**

Cause called. Douglas J. Woods, Deputy Attorney General, argued for appellant. Scott Joseph Rafferty argued for respondents. Cause submitted.

At 10:41 a.m., the court recessed. At 10:47 a.m., the court reconvened with Davis, Associate Justice; Nicholson, Associate Justice; and Morrison, Associate Justice.

**C048499 MID VALLEY AGRICULTURAL SERVICES INC. et al. v. McCARTY**

Cause called. William J. Reed argued for appellants. Patrick McCarty argued In Pro Per as respondent. Cause submitted.

At 11:15 a.m., the court recessed until 9:30 a.m., Monday, July 17, 2006.

**C049638 THE PEOPLE v. McCAUGHERN**

**(Not for Publication)**

The judgment is affirmed.  
MORRISON, J.  
We Concur: Sims, Acting P.J.  
Cantil-Sakauye, J.

**C050081 THE PEOPLE v. WATTS, JR.**

**(Not for Publication)**

The judgment is affirmed.  
MORRISON, J.  
We Concur: Raye, Acting P.J.  
Cantil-Sakauye, J.

**C050341 THE PEOPLE v. FOGG, JR.**

**(Not for Publication)**

The judgment is affirmed.  
SIMS, J.  
We Concur: Scotland, P.J.  
Blease, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

2

**The Minutes**

**June 26, 2006, continued**

**C050420      THE PEOPLE v. MILES      (Not for Publication)**  
The judgment is affirmed... The court is further directed to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.

CANTIL-SAKAUYE, J.

We Concur:    Sims, J.  
                    Hull, J.

**C050361      SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN  
SERVICES v. DENNIS G.      (Not for Publication)**

The order reappointing the conservator is affirmed.

MORRISON, J.

We Concur:    Blease, Acting P.J.  
                    Cantil-Sakauye, J.

**June 27, 2006**

**C048289      THE PEOPLE v. KARAPETYAN      (Certified for Partial Publication)**  
The judgment is affirmed. (Certified for Partial Publication)

NICHOLSON, J.

We Concur:    Scotland, P.J.  
                    Hull, J.

**C049548      THE PEOPLE v. KINSEY, JR.      (Not for Publication)**  
Defendant's sentence is modified... As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment in accordance with this opinion and forward a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.

ROBIE, J.

We Concur:    Sims, Acting P.J.  
                    Butz, J.

**C050116      THE PEOPLE v. BLACKWELDER      (Not for Publication)**  
The judgment is affirmed.

ROBIE, J.

We Concur:    Nicholson, Acting P.J.  
                    Butz, J.

**C050387      THE PEOPLE v. HOOD      (Not for Publication)**  
The judgment is affirmed.

NICHOLSON, J.

We Concur:    Scotland, P.J.  
                    Raye, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

3

**The Minutes**

**June 27, 2006, continued**

- C050787      THE PEOPLE v. WELLMAN      (Not for Publication)**  
The judgment of conviction and the prison sentence are affirmed. The matter is remanded to the trial court for determination of presentence credits.  
NICHOLSON, J.  
We Concur: Scotland, P.J.  
Davis, J.
- C050923      THE PEOPLE v. PALACIO      (Not for Publication)**  
The judgment is affirmed.  
NICHOLSON, J.  
We Concur: Scotland, P.J.  
Raye, J.
- C051376      THE PEOPLE v. MILLER, JR.      (Not for Publication)**  
The trial court is directed to prepare a corrected abstract of judgment to reflect that defendant was convicted of assault by means of force likely to produce great bodily injury in case No. CRF05-99 and to forward a certified copy to the Department of corrections and Rehabilitation. The judgment is affirmed.  
NICHOLSON, J.  
We Concur: Sims, Acting P.J.  
Raye, J.
- C051600      THE PEOPLE v. HOOD      (Not for Publication)**  
The judgment is affirmed.  
NICHOLSON, J.  
We Concur: Scotland, P.J.  
Raye, J.
- C048694      MICKELS-SWAN v. SWAN      (Not for Publication)**  
The part of the judgment ordering Gerald to make an equalizing payment reimbursing the community estate for the payment of the \$30,000 CEL loan is reversed. In all other respects, the judgment is affirmed. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 27(a)(4).)  
SCOTLAND, P.J.  
We Concur: Blease, J.  
Nicholson, J.
- C050490      HAMMON v. POPEJOY      (Not for Publication)**  
The judgment (order granting Charlie's partial set aside) is reversed. The County is awarded its costs on appeal. (Cal. Rules of Court, rule 27(a) (2).)  
BUTZ, J.  
We Concur: Sims, Acting P.J.  
Morrison, J.

## 4

**June 27, 2006, continued**

We Concur: Scotland, P.J.  
Davis, J.

We Concur: Morrison, J.  
Robie, J.

Appellant's petition for rehearing is denied.  
DAVIS, Acting P.J.

We Concur: Scotland, P.J.  
Davis, J.

We Concur:   Blease, Acting P.J.  
                    Robie, J.

We Concur:     Nicholson, J.  
                       Raye, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

5

**The Minutes**

**June 28, 2006, continued**

- C050070      GRIGG v. TAYLOR      (Not for Publication)**  
The judgment is affirmed. Taylor shall recover his costs on appeal. (Cal. Rules of Court, rule 27 (a)(1).)  
ROBIE, J.  
We Concur: Nicholson, Acting P.J.  
Butz, J.
- C049525      SAVE OUR BEIGHBORHOOD et al. LISHMAN, as Mayor, etc., et al. and MACKAY      (CERTIFIED FOR PUBLICATION)**  
The judgment denying plaintiff's petition for writ of mandate is reversed and the matter is remanded to the trial court with directions to grant the petition. Plaintiffs shall receive their costs on appeal.  
HULL, J.  
We Concur: Morrison, Acting P.J.  
Butz, J.

**June 29, 2006**

- C045818      THE PEOPLE v. MOLLISON      (Not for Publication)**  
The judgment is affirmed.  
SCOTLAND, P.J.  
We Concur: Raye, J.  
Hull, J.
- C049466      THE PEOPLE v. BEZEMER      (Not for Publication)**  
The judgment is modified... As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect these modifications and to send the amended abstract of judgment to the Department of Corrections and Rehabilitation.  
DAVIS, J.  
We Concur: Scotland, P.J.  
Butz, J.
- C049961      THE PEOPLE v. JONES      (Not for Publication)**  
The judgment is affirmed.  
DAVIS, J.  
We Concur: Scotland, P.J.  
Sims, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

6

**The Minutes**

**June 30, 2006**

- C048176**      **SCHALLER v. FROST and LOTSPEICH, as Administrator, etc.**  
**C049250**      **SCHALLER v. FROST**      **(Not for Publication)**  
We affirm the judgment and reverse the order after judgment awarding John Schaller \$260 in attorney fees. Caroline Frost is awarded her costs on appeal. (Cal. Rules of Court, rule 27(a).) John Schaller is awarded his costs in the cross-appeal. (Ibid.) The Estate is awarded its costs on appeal, except its costs in the cross-appeal are denied. (Ibid.)  
BLEASE, Acting P.J.  
We Concur: Davis, J.  
Hull, J.
- C049937**      **MICHAEL v. BURRUEL**      **(Not for Publication)**  
The judgments are affirmed. The Michaels shall pay Burruel's costs of these appeals. (Cal. Rules of Court, rule 27(a).)  
MORRISON, Acting P.J.  
We Concur: Robie, J.  
Cantil-Sakauye, J.
- C050254**      **WILLIS v. JONES**      **(Not for Publication)**  
The judgment is affirmed.  
MORRISON, J.  
We Concur: Raye, Acting P.J.  
Hull, J.
- C051812**      **In re G.A. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. JENNIFER T.**      **(Not for Publication)**  
The order of the juvenile court is affirmed.  
DAVIS, J.  
We Concur: Blease, Acting P.J.  
Butz, J.
- C050589**      **SIERRA PACIFIC INDUSTRIES v. WORKERS' COMPENSATION APPEALS BOARD et al.**      **(CERTIFIED FOR PUBLICATION)**  
The decision of the WCAB is annulled and the matter is remanded for further proceedings consistent with this opinion. SPI shall cover costs. (Cal. Rules of Court, rule 56(1).)  
MORRISON, J.  
We Concur: Sims, Acting P.J.  
Cantil-Sakauye, J.